

**SENATE CONCURRENT
RESOLUTION No. 123**

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED OCTOBER 16, 2008

Sponsored by:

Senator LEONARD LANCE

District 23 (Warren and Hunterdon)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

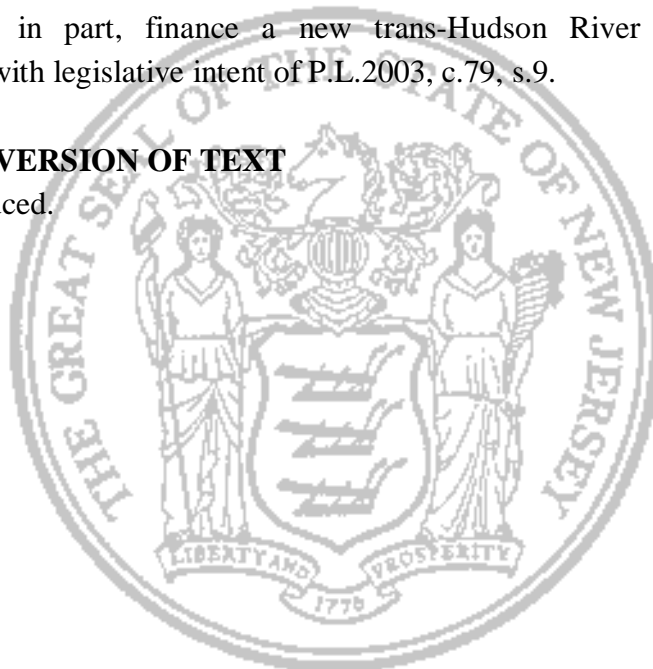
**Senators Bateman, Allen, Bucco, Cardinale, Baroni, O'Toole, Ciesla,
Haines, Beck, S.Kean and Oroho, Connors**

SYNOPSIS

Finds that NJTA proposal to increase tolls on NJ Turnpike and Garden State Parkway to, in part, finance a new trans-Hudson River rail tunnel is inconsistent with legislative intent of P.L.2003, c.79, s.9.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2008)

1 **A CONCURRENT RESOLUTION** declaring toll increases proposed by
2 the New Jersey Turnpike Authority inconsistent with legislative
3 intent, as provided under Article V, Section IV, paragraph 6 of
4 the Constitution of the State of New Jersey.
5
6 **WHEREAS**, Construction of the proposed new tunnel under the
7 Hudson River to serve trains moving between New Jersey and
8 New York City is an important mass transportation project that
9 should be developed and financed in a manner that is both
10 responsible and consistent with current law; and
11 **WHEREAS**, The New Jersey Turnpike Authority has proposed
12 administrative action to increase tolls on users of the New Jersey
13 Turnpike and Garden State Parkway and to use a portion of the
14 revenue from that increase to finance the construction of the new
15 tunnel; and
16 **WHEREAS**, In 2003, the Legislature passed Senate Bill No. 2352,
17 legislation merging the two toll road authorities that had the
18 responsibility of separately operating and maintaining the Garden
19 State Parkway and the New Jersey Turnpike; and
20 **WHEREAS**, Section 9 of the legislation amended N.J.S.A.27:23-5 to
21 provide that no toll revenue derived from the New Jersey Turnpike
22 or Garden State Parkway shall be used for a project other than a
23 highway project except on an interim basis; and
24 **WHEREAS**, The plain meaning of that provision is that users of those
25 toll roads shall not be forced to pay for, or subsidize, projects other
26 than core projects related to the New Jersey Turnpike and the
27 Garden State Parkway; and
28 **WHEREAS**, This understanding of the plain meaning of section 9 is
29 supported by the recorded testimony of sponsors, and of the then
30 Commissioner of Transportation who helped draft the legislation,
31 who repeatedly and publicly indicated that one of the overarching
32 purposes of the legislation was to make commuting less costly for
33 users of the toll roads; and
34 **WHEREAS**, When asked whether the legislation would permit tolls to
35 be used to pay for mass transit projects, the then Commissioner
36 explicitly indicated that, under the terms of the legislation, tolls
37 could not be used in support of projects other than core toll road
38 projects and even cited a mass transit project as a project that could
39 not be funded with tolls; and
40 **WHEREAS**, At no time during the consideration and passage of Senate
41 Bill No. 2352 was there any indication of Legislative intent, as
42 expressed in the language of the legislation, that the bill would
43 allow the Turnpike Authority to force toll road users to pay for
44 mass transit projects; and
45 **WHEREAS**, Construction of a new tunnel to serve trains moving
46 between New Jersey and New York City is clearly not a project that
47 may be funded with a subsidy for users of the toll roads; and

6 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
7 *General Assembly concurring):*

2. The Legislature finds that the proposal of the New Jersey Turnpike Authority to increase tolls on users of the New Jersey Turnpike and Garden State Parkway to, in part, finance a new tunnel to serve trains moving between New Jersey and New York City is not consistent with the legislative intent of subsection g. of N.J.S.A.27:23-5 as amended by P.L.2003, c.79.

4. The New Jersey Turnpike Authority shall, pursuant to Article V, Section IV, paragraph 6 of the Constitution of the State of New Jersey, have 30 days following transmittal of this resolution to amend or withdraw the proposed administrative action to increase tolls or the Legislature may, by passage of another concurrent resolution, exercise its authority under the Constitution to invalidate the proposed administrative action or prohibit the administrative action from taking effect.

STATEMENT

Specifically, this concurrent resolution declares the toll increases being pursued by the Turnpike Authority to be inconsistent with the intent of the Legislature as expressed in the language of the

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- 1 authorizing statute and, pursuant to the New Jersey Constitution,
- 2 provides the agency with 30 days to withdraw or amend the toll
- 3 increases or face a second resolution that would invalidate them.